



DEPARTMENT OF
HIGHER EDUCATION &
WORKFORCE DEVELOPMENT

TECHNICAL ASSISTANCE BOOKLET

SECTION 188 OF WIOA



DHEWD STATE OFFICE OF
EQUAL
O P P O R T U N I T Y



OVERVIEW

The Department of Higher Education and Workforce Development's State Office of Equal Opportunity ("DHEWD SOEO") is responsible for evaluating, investigating and resolving complaints alleging discrimination, and administering and implementing policy and procedures to comply with the laws that apply to:

- Recipients of financial assistance under Title I of the Workforce Innovation and Opportunity Act ("WIOA");
- Missouri Job Center partners listed in WIOA Section 121(b) that offer programs or activities through the workforce development system;
- Local governments and other public entities operating programs and activities related to labor and the workforce, and
- Any recipients of financial assistance from, or programs conducted by, the United States Department of Labor ("USDOL") that are not included in the categories above.

The nondiscrimination and equal opportunity provision overseen by DHEWD SOEO apply to programs, services and activities offered by Title I recipients of WIOA. Section 188 of WIOA and [29 CFR 38](#) prohibits discrimination on the basis of on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under WIOA Title I, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity. Retaliation against, or intimidation of, anyone who takes any of the following actions related to nondiscrimination or equal opportunity in any of the covered programs and activities:

- Filing a discrimination complaint;
- Opposing a practice that is made illegal by civil rights law; or
- Giving information to, testifying at, or in any other way taking part in an investigation, a compliance review, a hearing, or any other type of civil rights-related activity.

DHEWD SOEO conducts compliance monitoring and reviews in accordance with Section 188 of WIOA, [29 CFR 38](#), and the Missouri Nondiscrimination Plan.

DHEWD SOEO may conduct pre-approval compliance reviews of grant applicants for WIOA Title I-financial assistance (or other grant applicants) to determine their ability to comply with nondiscrimination and equal opportunity provisions of Section 188 of WIOA, [29 CFR 38](#), and the [Missouri Nondiscrimination Plan](#) ("Missouri NDP"). This also includes post-approval compliance reviews of recipients. The reviews may focus on one or more issues within specific program, service, or activity.

Additionally, DHEWD SOEO uses the Missouri NDP to establish and implement the Governor's nondiscrimination and equal opportunity obligation under WIOA. The plan is designed to give a reasonable guarantee that all Missouri programs and recipients will comply, and are complying with, the nondiscrimination and equal opportunity provisions of WIOA.

Furthermore, this guidance and tool is developed to provide guidance and technical assistance for internal and external stakeholders, and other interested parties.

USDOL, in Section 188 of WIOA and [29 CFR 38](#), requires each Governor to establish a Nondiscrimination Plan that includes a system for annual monitoring the compliance of recipients to determine if they are conducting their WIOA Title I-financially assisted program in a nondiscriminatory manner.



OVERVIEW CONTINUED

Each periodic monitoring review must include:

- A statistical or quantifiable analysis of the records and data kept by the recipient, including analyses by race/ethnicity, sex, age, disability status, each recipient must also record the limited English proficiency and preferred language of each applicant;
- An investigation of any significant differences found across groups in participation in the programs, activities, and employment as a result of the analysis;
- An assessment to determine if administrative obligations have been fulfilled, including recordkeeping, notice and communication;
- A review of policies to ensure they are nondiscriminatory;
- A system for reviewing job training plans, contracts, assurances and similar agreements to ensure they are nondiscriminatory and they contain the required language;
- Procedures for ensuring compliance with Section 504;
- A system to ensure that individuals assigned responsibility for carrying out nondiscrimination requirements can do so effectively;
- Procedures for obtaining prompt corrective action when noncompliance is found; and
- Supporting documentation to show that commitments made in the Missouri NDP are carried out.

Supporting documentation includes:

- The issuing of policies and procedures required by various elements of the Missouri NDP;
- Copies of monitoring instruments and instructions;
- The development and communication of nondiscrimination policies;
- The extent to which Equal Opportunity training is planned and carried out;
- Reports of monitoring reviews; and
- Reports of follow-up actions (where violations are found).

ASSURANCE

The purpose of the assurance language is to ensure that all job-training plans, contracts, and other similar agreements entered into by recipients are nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity. The assurance section provides procedures DHEWD and its recipients are to follow, and will continue to follow, to assess whether the grant applicants, if funded, and training providers, if declared eligible, have the ability to comply with the nondiscrimination and equal opportunity regulations. (See Appendix I)

ASSURANCE – SUPPORTING DOCUMENTATION

Supporting documentation includes:

- Section 188 of WIOA assurance language that should be included or referenced in plans, contracts, and other agreements.
- Copies of memos or directives to contract managers advising them to include the required assurance in the appropriate documents.
- Copies of checklists or other guidelines used by contract specialists, attorneys, or others who review contracts and agreements that indicate that nondiscrimination and equal opportunity are considered in the evaluation of such documents.
- A copy of each equal opportunity (“EO”) issuance (e.g., the general EO policy statement, the policy statement on sexual harassment and the policy statement on religious accommodation).
- The procedures by which persons with disabilities are assured of participation in programs and activities in as integrated setting as possible.
- Any evaluation conducted to determine the programmatic or physical (architectural accessibility) of a WIOA Title I-financially assisted program or activity and the status of any corrective actions taken by the recipient involved.
- ADA Checklist.
- Copies of publications and agendas for any training conducted for recipient staff that is intended to raise awareness of disability issues.

DESIGNATION OF THE EQUAL OPPORTUNITY OFFICER

An Equal Opportunity Officer is responsible for coordinating a recipient’s obligations under Section 188 of WIOA, [29 CFR 38](#), and the Missouri NDP. Service providers, as defined in [29 CFR 38.4\(ggg\)](#), are not required to designate an EO Officer. The obligation for ensuring service provider compliance with the nondiscrimination and equal opportunity provisions of WIOA rests with the State EO Officer and/or the Local EO Officer. Service providers including Eligible Training Providers must designate an individual who will be responsible for working with the State and/or Local Equal Opportunity Officer to implement Section 188 of WIOA, [29 CFR 38](#), and the Missouri NDP into its operation.



DESIGNATION OF EQUAL OPPORTUNITY OFFICER – SUPPORTING DOCUMENTATION

- Supporting documentation includes:
- Examples of each communication (e.g., directives) that instructs the State's recipients as to the actions they are to take to comply with 29 CFR 38.23 through 28 with regard to EO Officers.
- A copy of the Local EO Officer's position description, showing those duties specifically related to WIOA EO activities, and other duties is provided. (Local Workforce Development Boards Only)
- A representative sample of local-level EO Officer job descriptions is provided unless a single, standard position description has been adopted for all local-level EO Officers. In that case, a single copy of that description is sufficient.
- Copies of the official organization chart(s) showing the organizational location of each EO Officer and the reporting relationship on EO matters is provided.
- The identity of any staff who perform duties that support WIOA EO activities (e.g., clerical, data analysis) along with a position description for each such staff member, and the average hours per week spent on EO-related activities by each such staff member (if positions are not devoted to WIA equal opportunity activities on a full-time basis) are provided.
- EO budget and source of funds for EO-related activities are provided.
- Summary of EO-related training that staff (EO staff and others) have received and a schedule of EO training delivered or to be delivered in the future is provided. This may be training delivered by the State- or local-level EO Officer to recipient staff, or training.

NOTICE AND COMMUNICATION

A recipient must provide initial and continuing notice as defined in [29 CFR 38.36](#) that it does not discriminate on any prohibited basis under Section 188 of WIOA.

The notice must be provided to the following:

- Registrants;
- Applicants;
- Eligible applicants/registrants;
- Participants;
- Applicants for employment and employees;
- Unions or professional organizations that hold collective bargaining or professional agreements with the recipient;
- Subrecipients (service providers) that receive WIOA Title I financial assistance from the recipient; and
- Members of the public, including those with impaired vision or hearing and those with limited English proficiency.

NOTICE AND COMMUNICATION – SUPPORTING DOCUMENTATION

Supporting documentation includes:

- A copy of the [EO Notice/Poster](#).
- A copy of any checklist of the contents of participant and employee files, indicating that the notice requirement has been met.
- A copy of any orientation agendas that include, as an agenda item, a discussion of equal opportunity and nondiscrimination under Section 188 of WIOA and [29 CFR 38](#)
- A copy of each item of material, distributed at orientation sessions, that addresses the rights of individuals under Section 188 of WIOA and [29 CFR 38](#). Copies of agendas (and a list of dates) of past and proposed EO policy briefings and EO training.
- A copy of each policy issuance or instruction that relates to Section 188 of WIOA or [29 CFR 38](#).
- A copy of each recruitment brochure and other item of material distributed to the public by WIOA Title I; financially assisted recipient, showing that each includes the statements “equal opportunity employer/program” and “auxiliary aids and services are available upon request to individuals with disabilities”; and the telephone numbers for TDD/TTY access and/or telephone relay services.



AFFIRMATIVE OUTREACH

Recipients must take appropriate steps to ensure that they are providing equal access to their WIOA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various groups protected by these regulations including, but not limited to: persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with limited English proficiency, individuals with disabilities, and individuals in different age groups.

AFFIRMATIVE ACTION – SUPPORTING DOCUMENTATION

Supporting documentation includes:

- Advertising the recipient's programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations.
- Sending notices about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations.
- Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.
- Copies of targeting outreach and recruitment plans.
- Criteria for determining priority of service.
- Copies of plans for One-Stop delivery systems to expand the pool of those considered for participation or employment in their programs and by race/ethnicity, sex, disability status, age, and language needs.
- Samples of brochures, posters, public-service announcements, computer screens displaying related information, and other publicity materials.

DATA AND INFORMATION COLLECTION & MAINTENANCE

Each recipient must collect such data and maintain such records, in accordance with procedures prescribed in Section 188 of WIOA, [29 CFR 38](#), and the Missouri NDP to determine whether the recipient has complied or is complying with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA, [29 CFR 38](#) and the Missouri NDP. The system and format in which the records and data are kept must be designed to allow the State EO Officer and/or the CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of WIOA.

DATA AND INFORMATION COLLECTION & MAINTENANCE – SUPPORTING DOCUMENTATION

Supporting documentation includes:

- Instructions to recipients within the State regarding information collection, access to records, and maintenance of records. (Local Workforce Development Boards Only)
- Samples of each policy issuance that discusses ensuring the confidentiality of demographic information regarding individuals.
- Samples of reports regarding the collection of the required demographic information under Section 188 of WIOA.
- Samples of formats and instructions, in hard copy and electronic file forms, for [complaint logs](#) used by the State and its recipients to track complaints that allege a violation of [29 CFR 38](#).



MONITORING RECIPIENTS FOR COMPLIANCE

DHEWD SOEO is responsible for oversight and monitoring of all WIOA Title I-financially assisted State Programs. This responsibility includes:

- Ensuring compliance with the nondiscrimination and equal opportunity provisions of WIOA;
- Negotiating, where appropriate, with a recipient to secure voluntary compliance when noncompliance is found under 29 CFR 38.91(b); and
- Annually monitoring the compliance of recipients with Section 188 of WIOA, 29 CFR 38, and the Missouri NDP, including a determination as to whether each recipient is conducting its WIOA Title I-financially assisted program or activity in a nondiscriminatory way.

At a minimum, each annual monitoring review required by this paragraph must include:

1. A statistical or other quantifiable analysis of records and data kept by the recipient, including analyses by race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status;
2. An investigation of any significant differences identified from the statistical or other quantifiable analysis of records and data kept by the recipient in participation in the programs, activities, or employment provided by the recipient, to determine whether these differences appear to be caused by discrimination. This investigation must be conducted through review of the recipient's records and any other appropriate means; and
3. An assessment to determine whether the recipient has fulfilled its administrative obligations under Section 188 of WIOA 29 CFR 38, and the Missouri NDP (for example, recordkeeping, notice and communication) and any duties assigned to it under the Missouri NDP.

MONITORING RECIPIENTS FOR COMPLIANCE – SUPPORTING DOCUMENTATION

Supporting documentation includes:

- Schedules of reviews and criteria for targeting recipients for review. (Local Workforce Development Boards Only)
- Monitoring instrument(s) used by State- and/or local-level staff to monitor recipient EO activities.
- Policy issuances and procedural guidance regarding monitoring reviews and recipient evaluations. (Local Workforce Development Boards Only)
- A representative sample of reports of monitoring reviews, including findings resulting from reviews and the status of follow-up actions.

COMPLAINT PROCESSING PROCEDURES

Any person or the person's representative who believes that any of the following circumstances exist may file a written complaint: A person, or any specific class of individuals, has been or is being discriminated against on the basis of:

- Race;
- Color;
- Religion;
- Sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity);
- National origin (including limited English proficiency);
- Age;
- Disability;
- Political affiliation or belief;
- Citizenship status; or
- Participation in any WIOA title I-financially assisted program or activity as prohibited by section 188 of WIOA, [29 CFR 38](#), and the Missouri NDP.

WIOA Title I recipients are responsible for adopting and publishing complaint procedures, and processing complaints, as described in the Section 188 of WIOA, [29 CFR 38](#), and the Missouri NDP.

COMPLAINT PROCESSING PROCEDURES – SUPPORTING DOCUMENTATION

Supporting documentation includes:

- The State's discrimination complaint procedures in [OWD Issuance 16-2017](#).
- The instrument (e.g. directive, memorandum) used to inform recipients of the complaint procedures and directing recipients as to their use.
- The alternative dispute resolution (ADR), or mediation procedures, if not included with complaint processing procedures.



DEPARTMENT OF
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ANALYZING PROGRAMS, SERVICES & ACTIVITIES RESOURCE GUIDE



DHEWD STATE OFFICE OF
EQUAL
O P P O R T U N I T Y



STEP ONE:

PROVIDE A SUMMARY OF YOUR WORKFORCE ORGANIZATION

Example:

DHEWD serves as convener of State, regional, and local workforce system partners to enhance the capacity and performance of the workforce development system; align and improve employment, training and education programs, and through these efforts promote economic growth.

DHEWD actively participates and collaborates closely with the required partners of the workforce development system, including public and private organizations. This engagement is crucial in the DHEWD's role to help integrate and align a more effective job-driven workforce system that invests in the connection between education and career preparation. The DHEWD advises Missouri's workforce partners in the setting and implementation of workforce policy for the State's local workforce regions/areas.

STEP TWO:

PROVIDE A DESCRIPTION OF THE CIVILIAN LABOR FORCE IN YOUR AREA

Civilian Labor Force is the sum of civilian employment and civilian unemployment. These individuals are civilians (not members of the Armed Services) who are age 16 years or older, and are not in institutions such as prisons, mental hospitals, or nursing homes.

i.e. Sample WIOA Program Report - Civilian Labor Force Comparison

WIOA PY20	CLF	% of CLF	% of Total Exited	Total Exited	Staff Assisted	Intensive	Training	% of Staff Assisted to Total
All Gender	3,033,249	100%	100%	312,200	239,259	1,881	6,374	76.64%
Male	1,562,707	52%	54%	168,766	132,678	844	3,179	42.50%
Female	1,470,542	48%	46%	143,423	106,579	1,037	3,194	34.14%
n/a		0%	0%	11	2		1	0.00%
All Age				312,200	239,259	1,881	6,374	76.64%
14-21	145,738	5%	11%	34,173	23,433	78	1,352	7.51%
22-29	126,621	4%	23%	71,544	52,090	425	1,152	16.68%
30-54	522,515	17%	54%	167,192	131,187	1,063	3,348	42.02%
55+	1,562,707	52%	13%	39,289	32,549	315	522	10.43%
All Race				312,200	239,259	1,881	6,374	76.64%
American Indian	8,892	0%	1%	2,312	1,793	7	32	0.57%
Asian	47,641	2%	1%	2,197	1,630	26	38	0.52%
Black	320,321	11%	25%	76,853	63,962	574	1,447	20.49%
Pacific Islander	-	0%	0%	700	532	3	10	0.17%
White	2,631,090	87%	67%	208,280	156,783	1,166	4,492	50.22%
Other		0%	7%	21,858	14,559	105	355	4.66%
All Hispanic				312,200	239,259	1,881	6,374	76.64%
Hispanic	94,154	3%	2%	7,671	5,599	44	143	1.79%
n/a	3,007,943	99%	98%	304,529	233,660	1,837	6,231	74.84%
All Disability				312,200	239,259	1,881	6,374	76.64%
Disabled	190,765	6%	1%	4,665	3,720	27	149	1.19%
Not Disabled	2,666,624	88%	99%	307,535	235,539	1,854	6,225	75.44%



STEP THREE:

PROGRAMS, ACTIVITIES, AND SERVICES DESCRIPTION

List all programs offered within the organization from the prior program year (i.e. PY21 – July 1, 2021 – June 30, 2022). Provide a description of each program and the targeted audience.

STEP FOUR:

MAP OUT THE SERVICE DELIVERY AND IDENTIFY PASS/FAIL POINTS FOR EACH PROGRAM/SERVICE AND ACTIVITY

Steps in the service delivery process where a customer must successfully pass through one step in order to get to the next step. (Successive Steps – See Appendix III)

STEP FIVE:

ANALYZE THE COLLECTED DEMOGRAPHIC DATA WITH THE 80% OR 4/5THS RULE AND 2-STANDARD DEVIATION >>>

Sample Output of 80% Rule

WIOA Adult Positive Exit PY19	Total Exited	Employed 2nd Quarter after exit	Employed 4th Quarter after exit	% of Total Participants	Employed 2nd Quarter Rate	Adverse Impact (2nd Quarter	4th Quarter Rate	Adverse Impact (4th Quarter)
All Gender	1,622	562	283	100.00%	34.65%		17.45%	
Male	1,389	485	237	85.64%	34.92%	Best	17.06%	86.07%
Female	227	76	45	14.00%	33.48%	95.88%	19.82%	Best
All Age	1,622	562	283	100.00%	34.65%		17.45%	
14-21	38	14	9	2.34%	36.84%	92.11%	23.68%	Best
22-29	185	74	39	11.41%	40.00%	Best	21.08%	89.01%
30-54	805	296	148	49.63%	36.77%	91.93%	18.39%	77.63%
55+	594	178	87	36.62%	29.97%	74.92%	14.65%	61.84%
All Race	1,622	562	283	100.00%	34.65%		17.45%	
American Indian	34	16	6	2.10%	47.06%	Best	17.65%	96.06%
Asian	24	6	4	1.48%	Insuf Data	N/A	Insuf Data	N/A
Black	249	88	32	15.35%	35.34%	75.10%	12.85%	69.96%
Pacific Islander	9	3	1	0.55%	Insuf Data	N/A	Insuf Data	N/A
White	1,252	441	230	77.19%	35.22%	74.85%	18.37%	Best
All Hispanic	1,622	562	283	100.00%	34.65%		17.45%	
Hispanic	70	18	8	4.32%	25.71%	74.69%	11.43%	46.48%
n/a	61	21	15	3.76%	34.43%	Best	24.59%	Best
All Disability	1,622	562	283	100.00%	34.65%		17.45%	
Disabled	352	117	59	21.70%	33.24%	88.90%	16.76%	89.90%
Not Disabled	1,003	375	187	284.94%	37.39%	Best	18.64%	Best
All LEP	1,622	562	283	100.00%	34.65%	92.67%	17.45%	93.58%
Yes	22	10	3	1.36%	Insuf Data	N/A	Insuf Data	N/A
No	1600	552	280	98.64%	34.50%	92.28%	17.50%	93.86%

Sample Output of 2-Standard Deviation

WIOA Adult Positive Exit PY19	Total Exited	Employed 2nd Quarter after exit	Employed 4th Quarter after exit (Retention)	% of Total Participants	Employed 2nd Quarter Rate	Difference in Rates	Standard Deviation	Number of Standard Deviations	Employed 4th Quarter Rate (Retention)	Difference in Rates	Standard Deviation	Number of Standard Deviations
All Gender	1,622	562	283	100.00%	0.3465				0.1745			
Male	1,389	485	237	85.64%	0.3492	0.00%	0.02	0.00	0.1706	2.76%	0.01	1.92
Female	227	76	45	14.00%	0.3348	1.44%	0.03	0.42	0.1982	0.00%	0.03	0.00
All Age	1,622	562	283	100.00%	0.3465				0.1745			
14-21	38	14	9	2.34%	0.3684	3.16%	0.08	0.40	0.2368	0.00%	0.06	0.00
22-29	185	74	39	11.41%	0.4000	0.00%	0.04	0.00	0.2108	2.60%	0.03	0.84
30-54	805	296	148	49.63%	0.3677	3.23%	0.02	1.36	0.1839	5.30%	0.02	2.80
55+	594	178	87	36.62%	0.2997	10.03%	0.03	3.90	0.1465	9.04%	0.02	4.40
All Race	1,622	562	283	100.00%	0.3465				0.1745			
American Indian	34	16	6	2.10%	0.4706	0.00%	0.08	0.00	0.1765	0.72%	0.07	0.11
Asian	24	6	4	1.48%	Insuf Data	N/A	N/A	N/A	Insuf Data	N/A	N/A	N/A
Black	249	88	32	15.35%	0.3534	11.72%	0.03	3.55	0.1285	5.52%	0.03	2.10
Pacific Islander	9	3	1	0.55%	Insuf Data	N/A	N/A	N/A	Insuf Data	N/A	N/A	N/A
White	1,252	441	230	77.19%	0.3522	11.84%	0.02	6.22	0.1837	0.00%	0.02	0.00
All Hispanic	1,622	562	283	100.00%	0.3465				0.1745			
Hispanic	70	18	8	4.32%	0.2571	8.71%	0.08	1.08	0.1143	13.16%	0.06	2.05
n/a	61	21	15	3.76%	0.3443	0.00%	0.08	0.00	0.2459	0.00%	0.07	0.00
All Disability	1,622	562	283	100.00%	0.3465				0.1745			
Disabled	352	117	59	21.70%	0.3324	4.15%	0.03	1.41	0.1676	1.88%	0.02	0.80
Not Disabled	1,003	375	187	61.84%	0.3739	0.00%	0.02	0.00	0.1864	0.00%	0.02	0.00
All LEP	1,622	562	283	100.00%	0.3465	2.74%						
Yes	22	10	3	1.36%	Insuf Data	N/A	N/A	N/A	Insuf Data	N/A	N/A	N/A
No	1600	552	280	98.64%	0.3403	2.74%	0.01	0.23	0.1750	1.14%	0.01	0.21

Sample WIOA Program Service Level Data

WIOA Adult (Service Level) PY19	Total Applicants	Received Basic Career Services	Received Individualized Career Services	Received Training	% of Basic Career Services to total	Received Basic Career Services Rate	Adverse Impact	Individualized Career Services Rate	Adverse Impact	Training Rate	Adverse Impact
All Gender	2,308	2,308	2,250	1,610	100.00%	100.00%		97.49%		69.76%	
Male	1,220	1,220	1,180	784	52.86%	52.86%	Best	96.72%	98.35%	64.26%	84.57%
Female	1,087	1,087	1,069	826	47.10%	47.10%	89.10%	98.34%	Best	75.99%	Best
All Age	2,308	2,308	2,250	1,610	100.00%	100.00%		97.49%		69.76%	
14-21	284	284	279	212	12.31%	12.31%	23.55%	98.24%	Best	74.65%	Best
22-29	672	672	657	481	29.12%	29.12%	55.72%	97.77%	99.52%	71.58%	95.89%
30-54	1,206	1,206	1,179	834	52.25%	52.25%	Best	97.76%	99.51%	69.15%	92.64%
55+	146	146	135	83	6.33%	6.33%	12.11%	92.47%	94.12%	56.85%	76.16%
All Race	2,308	2,308	2,250	1,610	100.00%	100.00%		97.49%		69.76%	
American Indian	63	63	61	40	2.73%	2.73%	4.86%	96.83%	97.86%	63.49%	85.09%
Asian	19	19	19	15	0.82%	Insuf Data	N/A	Insuf Data	N/A	Insuf Data	N/A
Black	849	849	840	516	36.79%	36.79%	65.51%	98.94%	Best	60.78%	81.46%
Pacific Islander	11	11	11	6	0.48%	Insuf Data	N/A	Insuf Data	N/A	Insuf Data	N/A
White	1,296	1,296	1,249	967	56.15%	56.15%	Best	96.37%	97.41%	74.61%	Best
All Hispanic	2,308	2,308	2,250	1,610	100.00%	100.00%		97.49%		69.76%	
Hispanic	61	61	58	47	2.64%	2.64%	2.97%	95.08%	97.46%	77.05%	Best
Non Hispanic	2,052	2,052	2,002	1,424	88.91%	88.91%	Best	97.56%	Best	69.40%	90.07%
All Disability	2,308	2,308	2,250	1,610	100.00%	100.00%		97.49%		69.76%	
Disabled	143	143	135	86	6.20%	6.20%	7.08%	94.41%	96.70%	60.14%	84.36%
Not Disabled	2,020	2,020	1,972	1,440	87.52%	87.52%	Best	97.62%	Best	71.29%	Best
All LEP	2,308	2,308	2,250	1,610	100.00%	100.00%		97.49%		69.76%	
Yes	8	8	5	3	0.35%	Insuf Data	N/A	Insuf Data	N/A	Insuf Data	N/A
No	2300	2300	2245	1607	99.65%	99.65%	99.65%	97.61%	99.98%	69.87%	98.01%

STEP SIX:

IDENTIFY ADVERSE IMPACT

Practical significance (80% rule/adverse impact rule): If a substantially different rate of selection, in hiring, promotion, or other employment decision works to the disadvantage of members of a race, sex, or ethnic group, etc.; and if a group's rate of selection is less than 80% of the most favored group, the non-favored group(s) is experiencing adverse impact.

Example of the four-fifths (or 80%) rule:

- In the following illustration, there are 135 applicants: 72 non-minorities compared to 63 minority and 84 male compared to 51 female. Seven of the 72 non-minority applicants were hired, which is a 9.7% hire rate compared to the hire rate for minorities of 4.8%.
- The 80% rule states that the selection rate of the protected group should be at least 80% of the selection rate of the non-protected group.

Group 1	Applicant Pool	Hires	Hire Rate	Adverse Impact
Non-minority	72	7	9.7%	49.5%
Minority	63	3	4.8%	YES
Group 2	Applicant Pool	Hires	Hire Rate	Adverse Impact
Male	84	6	7.1%	91.0%
Female	51	4	7.8%	NO

Statistical significance (Two (2) standard deviation test): Standard deviation is a statistic used to measure dispersion in a distribution; a measure of the typical distance between the average (mean) and any given value. It measures the "width" of the distribution of values. If the difference between the expected value and the observed number is greater than two deviations, then the hypothesis would not be statistically significant. In practice, the calculation of the number of standard deviations is performed using generally accepted mathematical formulas.

(Refer to Appendix II for sample calculation of 2-Standard Deviation)

STEP SEVEN:

FOLLOW-UP INVESTIGATION ON PRACTICAL OR STATISTICAL SIGNIFICANCE

When the analysis discloses that differences have practical or statistical significance, a follow-up investigation must be conducted to determine whether the differences are due to intentional discriminatory conduct, conduct that has a disparate impact on a protected group, or some other factors (USDOL CRC).

Investigating Adverse Impact.

**Adverse impact does not necessarily indicate discrimination has occurred.*

Theories of discrimination:

1. Disparate treatment

- Intentional discrimination.
- Most allegations are disparate treatment cases.

- When a member of a group provides first-hand knowledge that a service provider acted in a manner that could negatively impact his or her group.

2. Disparate impact

- A showing of intent is not necessary to prove discrimination.
- Caused by a neutral policy, procedure or practice with no intent to discriminate.

Anecdotal evidence should be considered as evidence of possible adverse impact and it should be investigated in conjunction with quantifiable analysis.

Investigating Course of Action:

- Investigate possible reasons for the significant differences.

- Rumors or word of mouth incidents.
- Social Media including blogs, news articles, internet postings, tweets, etc.
- If justification (business necessity) is found, document the justification; no further action necessary for that demographic in that step.
- If justification is not found, take mitigating actions.

Anecdotal evidence could occur:

- When a member of a demographic group comes forward to talk about how he or she met the requirements but did not get to participate in a program or activity.

Follow-up to see if the mitigating actions made a difference.

STEP EIGHT: *WHAT TO DO WITH QUANTIFIABLE EVIDENCE THAT WAS IDENTIFIED FROM YOUR INVESTIGATION*

- Schedule a meeting with appropriate staff to discuss the issue
- Review the records with the appropriate staff or inform them of what was found
- Let the group know you are finding adverse impact for specific groups and that it is incumbent upon the organization to investigate the issues
- Ask the group what they think are the reasons that the demographic groups in question are unsuccessful in advancing through particular steps in the program/activity or service.
- Review participant(s) files when needed.
- If the reasons given from program staff are justifiable, note them in your analysis file.
- If a policy, procedure or practice is causing the impact and there is no reason it can not be modified, recommend the modification.
- If justifiable reasons cannot be determined, ask the group to strategize or brainstorm to determine mitigating actions that can be taken.
- This could take the form of increased outreach to the affected group(s), greater encouragement to complete the step or process, or asking members of the group during counseling whether there are additional barriers that have not been discussed.
- Document the mitigating action that is being taken.

STEP NINE: *IMPLEMENTATION OF A FOLLOW-UP STRATEGY*

Conduct follow-up analysis within a reasonable time period (three months, six months, nine months or a year) to see if the mitigating actions are helping; increase participation rate in services and activities. Recommend further action as needed.





STEP TEN:

DATA ANALYSIS REPORTING FORMAT GUIDE (MISSOURI'S SAMPLE STEPS)

- **Cover Page:**
 - Identify Region and the EO Officer.
- **Overview Section:**
 - Summary of Region's Civilian labor force by EO demographics and comparison to WIOA workforce system.
 - Provide a description of each organization contracted in your workforce region including programs/activities the organization operates for PY15.
- **Data Analysis Section:**
 - Include the service delivery and identify pass/fail points for each program offered in the job centers/location.
 - Identify any adverse impact with each program/service/activity.
 - Summarize the anecdotal evidence.
 - Provide proof that the evidence was examined and investigated.
- **Describe what actions your region took to investigate the issue:**
 - Reviewing records.
 - Reviewing policies.
 - Describe any justifiable reasons for the adverse impact.
 - Describe your outreach plan and how your organization will take reasonable steps with implementation of the outreach plan.
- **Follow Up Section:**
 - Identify any consistent adverse impact occurring with a particular group(s) from the previous program year.
 - Provide any updates of the impact of your outreach plan from the previous year in your report.

Equal Opportunity Officers should track and provide technical assistance with goals and outcomes if there is a consistent issue.



ENFORCE CORRECTIVE ACTIONS AND SANCTIONS (LOCAL WORKFORCE DEVELOPMENT BOARDS)

The description of the corrective actions should address violations are identified and corrected. Corrective actions must be designed to completely correct technical violations (e.g. failure to post notice, failure to collect data, etc.) and discrimination violations. In the case of a finding of discrimination, the procedures muse provide, where appropriate, for retrospective relief (including but not limited to back pay) and prospective relief (e.g. training, policy development and communication) to ensure that the discrimination does not recur. The timeframes for the completion of each corrective and remedial action should be identified. Provide provisions for execution of a written agreement or assurance to document the correction of the violation. There should be provision for follow-up monitoring to ensure that commitments are fulfilled.

OWD Issuance 07-2021 - Corrective Action and Sanctions

DATA ANALYSIS REQUIREMENTS FOR ELIGIBLE TRAINING PROVIDERS (ETPS)

A statistical or other quantifiable analysis of records and data kept by the recipient under Section 188 of WIOA, and [29 CFR 38](#) including analyses by race/ethnicity, sex, limited English proficiency, preferred language assessment, age, and disability status:

Example:

- Number of participants referred to training:
 - By program (i.e Healthcare Certificate programs)
 - By industry (i.e Healthcare)
 - By credential (i.e RNA Program)
- Number of applicants that applied to training:
 - By program (i.e Healthcare Certificate programs)
 - By industry (i.e Healthcare)
 - By credential (i.e RNA Program)
- Number of participants participating in the training:
 - By program (i.e Healthcare Certificate programs)
 - By industry (i.e Healthcare)
 - By credential (i.e RNA Program)
- Number of participants completed training:
 - By program (i.e Healthcare Certificate programs)
 - By industry (i.e Healthcare)
 - By credential (i.e RNA Program)
- Number of participants did not complete training:
 - By program (i.e Healthcare Certificate programs)
 - By industry (i.e Healthcare)
 - By credential (i.e RNA Program)
- Number of participants that completed training, and entered employment in the field trained in:
 - By program (i.e Healthcare Certificate programs)
 - By industry (i.e Healthcare)
 - By credential (i.e RNA Program)
- Number of participants that did not complete training, but entered employment:
 - By program (i.e Healthcare Certificate programs)
 - By industry (i.e Healthcare)
 - By credential (i.e RNA Program)
- Number of participants that did not complete training but entered employment in field trained in:
 - By program (i.e Healthcare Certificate programs)
 - By industry (i.e Healthcare)
 - By credential (i.e RNA Program)
- Number of participants that completed training but did not enter employment in the field trained in:
 - By program (i.e Healthcare Certificate programs)
 - By industry (i.e Healthcare)
 - By credential (i.e RNA Program)



EMPLOYMENT PRACTICES ANALYSIS FOR WIOA RECIPIENTS

It is an unlawful employment practice to discriminate on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin, age, disability, or political affiliation or belief in the administration of, or in connection with:

1. Any WIOA Title I-financially assisted program or activity; and
2. Any program or activity that is part of the one-stop delivery system and is operated by a one-stop partner listed in Section 121(b) of WIOA, to the extent that the program or activity is being conducted as part of the one-stop delivery system.

Employment practices are a recipient's practices related to employment, including but not limited to:

1. Recruitment or recruitment advertising;
2. Selection, placement, layoff or termination of employees;
3. Upgrading, promotion, demotion or transfer of employees;
4. Training, including employment-related training;
5. Participation in upward mobility programs;
6. Deciding rates of pay or other forms of compensation;
7. Use of facilities; or
8. Deciding other terms, conditions, benefits and/or privileges of employment.

Employee selection procedures – A recipient must comply with the Uniform Guidelines on Employee Selection Procedures, [41 CFR Part 60-3](#).

Each recipient of WIOA funds must include the appropriate language in their assurances:

Assurances ensure that all job training plans, contracts, and other similar agreements entered into by recipients are nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity.

(Subpart B-29 CFR Part 38.20)

- For staffing statistical analyses purposes, the recipient must keep records of:
 - Applicants of employment; and
 - Employees.
 - Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant for employment and employee.
 - This information must be stored in a manner that ensures confidentiality, and must be used only for the purposes of recordkeeping and reporting.
 - Each recipient must promptly notify the State EO Officer when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the “basis” of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I program or activity.
 - The notification must include:
 - The names of the parties to the action or lawsuit;
 - The relevant case numbers; and,
 - Any negative monitoring reviews by other agencies must be submitted to the State EO Officer.
- Each recipient must maintain the following records for a period of not less than three years from the close of the appropriate program year:
- The records of applicants for employment and employees;
 - Other records as are required Section 188 of WIOA and [29 CFR Part 38](#).
 - Records regarding complaints must be maintained for a period of not less than three years from the date of resolution of the complaint.
 - All Workforce Development Boards and their recipients must conduct staffing analysis on employment related practices annually.
 - The staffing analysis report for all regions is due to DHEWD SOEO **October 30th of every program year.**
 - Staffing analysis is conducted for employment activities from **July 1st – June 30th for each program year.**



EO STAFFING ANALYSIS GUIDANCE AND REQUIREMENTS

All recipients staffing analysis reports will include the following:

- Summary of the makeup of your workforce region (civilian labor force data);
- Background description of the organization;
- Organization chart;
- Description of your current hiring practices, describing how your organization:
 - Advertises job openings;
 - Accepts applications for employment;
 - Selects candidates for interviews; and
 - Selects candidates for hire.
- Description of how often your organization analyzes and updates job descriptions;
- Description of how performance evaluations are conducted; and
- Description of how employees are selected for training (internal/external).

Utilization Analysis, which would include:

- The number of open positions from the last program year (i.e. PY20-21);
- The number of incumbent workers within the organization for the last program year (i.e. PY20-21);
- A comparison of the incumbent workers to the available positions;
- An analysis of the employment data by utilizing the 80% or 4/5th rule by categories (Gender, Race, Disability Status if known);
- Applicant Pool;
- Interviews;
- Promotions;
- Demotions; and
- Terminations.

ORGANIZATION STRUCTURE (SMALL)

Organizations with fewer than 50 employees:

- The organization can provide a list of all of the employees and identify each location where the employees work and categorize the employment data by race, gender, and disability status and job category; and,
- The organization can provide employment data for each location where it must be categorized by race, gender, and disability status and job category.

ORGANIZATION STRUCTURE (LARGE)

Organizations with more than 50 employees must report, by location:

- Employment data must be categorized by race, gender, disability status (if known) and job category; and
- The report should identify if there is a headquarters office and the employees working at this office.

ANALYZING THE DATA – LARGE ORGANIZATIONS

- Large organizations will need to analyze their organizations by workforce units.
- Workforce Unit (i.e. Divisions, Units, Departments, Sections etc...).
- Large organizations will need to analyze the employee data by each location and by job category.

ANALYZING THE DATA IN LARGE AND SMALL ORGANIZATIONS

Large and Small organizations will analyze the data by race, gender and disability status (if known) by:

- Comparing the Civilian Labor Force to the Organizations employment make up (Resource: American Fact Finder).
- Comparing the applicants (Applicants Pool) to the number of candidates who were interviewed.
- Comparing those Promoted to all eligible candidates or applicants.
- Comparing those Demoted and Terminated to the entire organization.



INVESTIGATION SUMMARY

Your investigation results should indicate the specific actions(s) your organization is taking in regards to the nondiscrimination and equal opportunity provisions of WIOA.

This includes:

- Hiring
- Promotion
- Demotion
- Transfer
- Recruitment
- Advertising
- Layoff
- Termination
- Rates of pay (or other forms of compensation and selection for training)

Your investigation summary should include how your employment practices have been reviewed to determine whether members of the various groups are receiving fair consideration for job opportunities.

Your investigation should include proof that attention has been directed toward executive and middle management levels.

OUTREACH PLAN

Your outreach plan should include how the public and your current employees are informed at least annually of your organization's commitment to nondiscrimination and equal employment opportunity provisions under WIOA for all persons.

Your outreach plan should identify recruiting sources that have been informed of your organization's commitment to provide equal opportunity employment.

Your outreach plan should include how employment records of all employees are reviewed to determine the availability of promotable and transferable employees within your organization.

OUTREACH PLAN – SUPPORTING DOCUMENTATION

Supporting documentation include:

- Data Reporting Template completed by recipients.
- EEOC-1 Report (if your organizations meets the EEOC requirements).
- Organizations own spreadsheets (if it meets the WIOA requirements).

COLLECTING DEMOGRAPHIC DATA – DOLIR/DES

The Missouri Department of Labor and Industrial Resources (“DOLIR”) utilizes a program to develop a family of reports to use in monitoring unemployment insurance (“UI”) claims. Following the guidance provided in [Unemployment Insurance Program Letter \(UIPL\) 46-89](#), the Division of Employment Security (“DES”) produces quarterly reports that contain the following information disaggregated by race, ethnicity, sex, age, and disability status:

- Overall single-claimant claims processed:
 - New initial claims;
 - Additional initial claims; and
 - Total initial claims.
- Single-claimant monetary determinations:
 - Total number made; and
 - Total number resulting in ineligibility.
- Single-claimant nonmonetary determinations:
 - Total number made; and
 - Total number denying benefits.
- Separation issues:
 - Total number made because of voluntary quits; and
 - Discharge for misconduct; and
 - Other total number denying benefits because of these issues.
- Nonseparation issues:
 - Total number made because of able, available, and actively seeking work;
 - Disqualifying or deductible income, refusal of suitable work, reporting requirements, and others; and
 - Total number denying benefits because of these issues.
- Single-claimant appeals:
 - Total number of lower authority appeals decisions made by separation issues (voluntary quits, discharge for misconduct, and others) and by nonseparation issues (able, available, and actively seeking work, disqualifying or deductible income, refusal of suitable work, reporting requirements, and others);
 - Total number of law authority decisions in favor claimants, total number of lower authority decisions not in favor of claimants;
 - Total number of higher authority appeals decisions made;
 - Total number of higher authority decisions made in favor of claimants; and
 - Total number of decisions not in favor of claimants.

These reports are generated each quarter and show a year’s worth of cumulative data. In January, the report shows data for claimants living within the jurisdiction of the Springfield call centers. In April, the report shows data for claimants living within the jurisdiction of the Jefferson City and St. Louis call centers. In July, the report shows data for all claimants living in Missouri. In October, the report shows data for claimants living within the jurisdiction of the Kansas City call center.

The DOLIR/DES EO officer and the Quality Control section receive a copy of this report. These reports are analyzed for practical statistical significance or trends in identifying evidence of systemic discriminatory activities affecting diverse population/protected categories as outlines in federal and state civil rights statutes. These reports are stored electronically on MOBIUS.

APPENDIX I

ASSURANCE LANGUAGE

As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of federal financial assistance:

- A) Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity;
- B) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;
- C) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- D) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
- E) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that, as a recipient of WIOA Title I financial assistance, it will comply with [29 CFR Part 38](#) and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

APPENDIX II

TWO STANDARD DEVIATION SAMPLE CALCULATIONS

As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of federal financial assistance:

One important concept you need to know regarding the application of the 2-standard deviations is the comparison of one group to all the others. Therefore when race/ethnicity is the basis of the analysis, data must be tabulated so that so that there are two groups; the group under consideration and ALL others.

Sample calculation using 2-Standard Deviations for applicants' participation in a WIOA program.

Eligible Applicants			Enrollments	
Race Category	Total Number	Percentage (%)	Total Number	Percentage (%)
White	285	35.0	204	40.6
Black	371	45.6	180	35.9
Hispanic	130	16	101	20.1
Asian	8	1.0	5	1.0
American Indian	20	2.5	12	2.3
Total	814	100.0	502	100.0

$$SD = \frac{SRG - SRO}{\sqrt{(OAR \cdot ODR) \cdot \left(\frac{1}{TG} + \frac{1}{TO}\right)}}$$

Where:

- **SRG** = the selection rate for the group under consideration
- **SRO** = the selection rate of others
- **OAR** = the overall acceptance rate
- **ODR** = the overall denial rate
- **TG** = the number of applicants for the group under consideration.
- **TO** = the number of other applicants.

The next step is to identify the Race category you will consider to determine if there is significant difference and thus warrant further (onsite) investigation. In this case the group under consideration is **Blacks**.

Race under consideration	Eligible Applicants	Enrollments	Rate of Enrollment
Black	371	180	180/371 = 0.485
Others	443	322	
Total	814	502	502/814 = 0.617

Key Notes:

- The rate of enrollment is the number of enrollments divided by the number of eligible applicants.
- Typically, if the selection rate for the group under consideration is higher than the rate of others, there is no need to continue with further calculations.
- For Blacks, Other means Whites, Hispanics, Asians, and Native Americans, not just Whites.

Determining values to be used for calculations:

- The selection rate of the group under consideration (SRG) = 0.485 The selection rate of Others (SRO) = 0.727
- The overall acceptance rate (OAR) = 0.617
- The overall denial rate (ODR) = (simply subtract the overall acceptance rate from 1) i.e 1 - 0.617 = 0.383
- The Number of Group applicants under consideration (TG) = 371
- The number of other applicants (TO) = 443

$$\begin{aligned}
 SD &= \frac{SRG - SRO}{\sqrt{(OAR * ODR) * (\frac{1}{TG} + \frac{1}{TO})}} \\
 &= \frac{0.485 - 0.727}{\sqrt{(0.617 * 0.383) * (\frac{1}{371} + \frac{1}{443})}} \\
 &= \frac{-0.242}{\sqrt{(0.236) * (0.005)}} \\
 &= \frac{-0.242}{\sqrt{(0.0118)}} \\
 &= -7.03
 \end{aligned}$$

INTERPRETING THE RESULT

The resultant figure -7.03, indicates that the difference between the rate of enrollment for Black applicants and the placement rate of other applicants is 7.03 standard deviations. Since this exceeds the two standard deviation bench mark, this difference is significant and warrants further (onsite) investigation.

APPENDIX III

MAPPING YOUR PROGRAM INTO SERVICE DELIVERY STEPS & OBTAINING PROGRAM DATA

- Unemployment compensation:
 - Total monetary determinations to monetary determinations denied.
 - Total non-monetary determinations to non-monetary determinations denied.
 - Total separation issues to separation issues denied.
 - Total non-separation issues to non-separation issues denied.
 - Total lower appeals to lower appeals against claimants.
 - Total higher appeals to higher appeals against claimants.
- WIOA Title I:
 - Eligible population to applicant.
 - Applicant to eligible applicant.
 - Eligible applicant to participant.
 - Participant to enrolled in training.
 - Enrolled in training to completed training.
 - Completed training to positive exits.
 - Identify the overall process steps (ex: applicant to positive exit).
- Employment service:
 - Job applicant to job referral.
 - Receipt of various services.
 - Job referral to job placement.
 - Average referral wage to average placement wage.
- Demographics:
 - Race/ethnicity;
 - Sex;
 - Age;
 - Disability status; and
 - LEP status.

Analyze data for a one or two year period.

If sufficient data is not found for demographics:

- Look at longer period of time.
- Look at larger geographical area.
- Look at an entire program rather than a local program, if feasible.

IDENTIFY DATA NEEDED: PASS/FAIL DECISION POINTS

Pass/fail decision points	Examples
Steps in the service delivery process where a customer must successfully pass through one step to get to the next step.	WIOA • Applicants • Eligible applicants • Enrollments or participants • Positive exits
Successive steps	Employment service • Job referrals • Job applicants
Customers are considered for an activity and approved (or denied); Customers apply for a service and are approved or denied; Customer information is analyzed and a determination is made (approval or denial); or Data is available	Unemployment Compensation • Total Monetary Determinations to Monetary Determinations denied • Total Non-monetary Determinations to Non-monetary Determinations denied • Total Lower Appeals to Lower Appeals denied • Total Higher Appeals to Higher Appeals denied
Before pools and after pools	Labor Exchange • OJTs requested to OJTs approved • Skills assessments requested to skill assessments approved

Decision point before pool

Applicants _____ → Eligible Applicants

Eligible Applicants _____ → Enrollees or Participants

Job referrals _____ → Job placements

Total monetary determinations _____ → Monetary determinations allowed

Total lower appeals _____ → Lower appeals denied

Total higher appeals _____ → Higher appeals denied

Decision point after pool

Determining participation rates

- The after pools (denied, allowed, approved) will always be less than the before pools.
- Divide the after pools by the before pools.
- This gives you rates with which you can calculate differences in participation.
- Rates can be expressed as percentages or decimal points (26% or .26).
- Rates of success (or failure) are analyzed for significant differences.

After Pool
Before Pool

APPENDIX IV

ADDITIONAL EO RELATED RESOURCES

[DHEWD SOEO Homepage](#)

[Missouri Local EO Contacts](#)

[Missouri Nondiscrimination Plan - 2023](#)

[DHEWD SOEO Equal Opportunity and Disability Accommodations Resources](#)

[DHEWD SOEO Eligible Training Provider Monitoring Training – March 7, 2023 – Morning Session](#)

[DHEWD SOEO Eligible Training Provider Monitoring Training – March 7, 2023 – Afternoon Session](#)

[Sample Affirmative Action Program \(AAP\) \(dol.gov\)](#)

[Compliance Assistance for Programs of Federal Financial Assistance | U.S. Department of Labor \(dol.gov\)](#)

[New: Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide](#)

[ADA Checklist](#)

[Welcome to LEP.gov](#)

[Collection and Analysis of Claimant Demographic Data](#)

[Language Access: Unemployment Insurance Programs and Limited English Proficiency \(LEP\) Individuals \[PDF\]](#)

[TEGL 10-14 – Update on Complying with Nondiscrimination Provisions: Unemployment Status Restrictions and Possible Disparate Impact Based on Race, National Origin, Sex, and Disability](#)

[TEGL 37-14 – Update on Complying with Nondiscrimination Requirements: Discrimination Based on Gender Identity, Gender Identity, Gender Expression and Sex Stereotyping are Prohibited Forms of Sex Discrimination in the Workforce Development System](#)

[Educational Institutions Technical Assistance Guide – US DOL OFFCP](#)

[OFFCP Affirmative Action Sample \(Employment Analysis Guide\)](#)

APPENDIX V

ACRONYMS AND DEFINITIONS – [29 CFR 38.4](#)

CRC	CRC means the Civil Rights Center, Office of the Assistant Secretary for Administration and Management, U.S. Department of Labor.
DHEWD	Department of Higher Education and Workforce Development
SOEO	DHEWD State Office of Equal Opportunity
WIOA	Workforce Innovation and Opportunity Act
Applicant	Applicant means an individual who is interested in being considered for any WIOA Title I-financially assisted aid, benefit, service, or training by a recipient, and who has signified that interest by submitting personal information in response to a request by the recipient. See also the definitions of “application for benefits,” “eligible applicant/registrant,” “participant,” “participation,” and “recipient” in this section.
Applicant for employment	Applicant for employment means a person or persons who make(s) an application for employment with a recipient of Federal financial assistance under WIOA Title I.
Application for benefits	Application for benefits means the process by which information, including but not limited to a completed application form, is provided by applicants or eligible applicants before and as a condition of receiving any WIOA Title I-financially assisted aid, benefit, service, or training from a recipient.
Auxiliary aids or services	(1) Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective means of making aurally delivered materials available to individuals with hearing impairments; (2) Qualified readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision; (3) Acquisition or modification of equipment or devices; and (4) Other similar services, devices, and actions.
Babel notice	Babel notice means a short notice included in a document or electronic medium (e.g., Web site, “app,” email) in multiple languages informing the reader that the communication contains vital information, and explaining how to access language services to have the contents of the communication provided in other languages.
Beneficiary	Beneficiary means the individual or individuals intended by Congress to receive aid, benefits, services, or training from a recipient.
Disability	A physical or mental impairment that substantially limits one or more of the major life activities of such individual; A record of such an impairment; or Being regarded as having such an impairment.
Reasonable accommodation or reasonable modification.	An individual with a record of a substantially limiting impairment may be entitled to a reasonable accommodation or reasonable modification if needed and related to the past disability.
Eligible applicant/registrant	Eligible applicant/registrant means an individual who has been determined eligible to participate in one or more WIOA Title I-financially assisted programs or activities.

Employment practices	Employment practices of a recipient include, but are not limited to: (1) Recruitment or recruitment advertising; (2) Selection, placement, layoff or termination of employees; (3) Upgrading, promotion, demotion or transfer of employees; (4) Training, including employment-related training; (5) Participation in upward mobility programs; (6) Deciding rates of pay or other forms of compensation; (7) Use of facilities; or (8) Deciding other terms, conditions, benefits, and/or privileges of employment.
Employment-related training	Employment-related training means training that allows or enables an individual to obtain skills, abilities and/or knowledge that are designed to lead to employment.
Entity	Entity means any person, corporation, partnership, joint venture, sole proprietorship, unincorporated association, consortium, Native American tribe or tribal organization, Native Hawaiian organization, and/or entity authorized by State or local law; any State or local government; and/or any agency, instrumentality or subdivision of such a government.
Facility	Facility means all or any portion of buildings, structures, sites, complexes, equipment, roads, walks, passageways, parking lots, rolling stock or other conveyances, or other real or personal property or interest in such property, including the site where the building, property, structure, or equipment is located. The phrase "real or personal property" in the preceding sentence includes indoor constructs that may or may not be permanently attached to a building or structure. Such constructs include, but are not limited to, office cubicles, computer kiosks, and similar constructs.
Federal grantmaking agency	Federal grantmaking agency means a Federal agency that provides financial assistance under any Federal statute.
Financial assistance	Financial assistance means any of the following: (1) Any grant, subgrant, loan, or advance of funds, including funds extended to any entity for payment to or on behalf of participants admitted to that recipient for training, or extended directly to such participants for payment to that recipient; (2) Provision of the services of grantmaking agency personnel, or of other personnel at the grantmaking agency's expense; (3) A grant or donation of real or personal property or any interest in or use of such property, including: (i) Transfers or leases of property for less than fair market value or for reduced consideration; (ii) Proceeds from a subsequent sale, transfer, or lease of such property, if the grantmaking agency's share of the fair market value of the property is not returned to the grantmaking agency; and (iii) The sale, lease, or license of, and/or the permission to use (other than on a casual or transient basis), such property or any interest in such property, either: (A) Without consideration; (B) At a nominal consideration; or (C) At a consideration that is reduced or waived either for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to or use by the recipient; (4) Waiver of charges that would normally be made for the furnishing of services by the grantmaking agency; and (5) Any other agreement, arrangement, contract or subcontract (other than a procurement contract or a contract of insurance or guaranty), or other instrument that has as one of its purposes the provision of assistance or benefits under the statute or policy that authorizes assistance by the grantmaking agency.
Financial assistance under Title I of WIOA	Financial assistance under Title I of WIOA means any of the following, when authorized or extended under WIOA Title I: (1) Any grant, subgrant, loan, or advance of federal funds, including funds extended to any entity for payment to or on behalf of participants admitted to that recipient for training, or extended directly to such participants for payment to that recipient; (2) Provision of the services of Federal personnel, or of other personnel at Federal expense; (3) A grant or donation of Federal real or personal property or any interest in or use of such property, including: (i) Transfers or leases of property for less than fair market value or for reduced consideration; (ii) Proceeds from a subsequent sale, transfer, or lease of such property, if the Federal share of the fair market value of the property is not returned to the Federal Government; and (iii) The sale, lease, or license of, and/or the permission to use (other than on a casual or transient basis), such property or any interest in such property, either: (A) Without consideration; (B) At a nominal consideration; or (C) At a consideration that is reduced or waived either for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to or use by the recipient; (4) Waiver of charges that would normally be made for the furnishing of Government services; and (5) Any other agreement, arrangement, contract or subcontract (other than a Federal procurement contract or a contract of insurance or guaranty), or other instrument that has as one of its purposes the provision of assistance or benefits under WIOA Title I.

Limited English Proficient (LEP)	Limited English proficient (LEP) individual means an individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).
Local Workforce Development Area	LWDA (Local Workforce Development Area) grant recipient means the entity that receives WIOA Title I financial assistance for a local area directly from the Governor and disburses those funds for workforce development activities.
National Programs	National Programs means: (1) Job Corps; and (2) Programs receiving Federal financial assistance under Title I, Subtitle D of WIOA directly from the Department. Such programs include, but are not limited to, the Migrant and Seasonal Farmworkers Programs, Native American Programs, National Dislocated Worker Grant Programs, and YouthBuild programs.
Noncompliance	Noncompliance means a failure of a grant applicant or recipient to comply with any of the applicable requirements of the nondiscrimination and equal opportunity provisions of WIOA.
Participant	Participant means an individual who has been determined to be eligible to participate in, and who is receiving any aid, benefit, service, or training under, a program or activity financially assisted in whole or in part under Title I of WIOA. "Participant" includes, but is not limited to, individuals receiving any service(s) under State Employment Service programs, and claimants receiving any service(s) or benefits under State Unemployment Insurance programs.
Prohibited basis	Prohibited basis means any basis upon which it is illegal to discriminate under the nondiscrimination and equal opportunity provisions of WIOA or this part, i.e., race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, citizenship status or participation in a WIOA Title I-financially assisted program or activity.
Recipient	Recipient means entity to which financial assistance under Title I of WIOA is extended, directly from the Department or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient). The term excludes any ultimate beneficiary of the WIOA Title I-financially assisted program or activity. In instances in which a Governor operates a program or activity, either directly or through a State agency, using discretionary funds apportioned to the Governor under WIOA Title I (rather than disbursing the funds to another recipient), the Governor is also a recipient. In addition, for purposes of this part, one-stop partners, as defined in section 121(b) of WIOA, are treated as "recipients," and are subject to the nondiscrimination and equal opportunity requirements of this part, to the extent that they participate in the one-stop delivery system. "Recipient" includes, but is not limited to: (1) State-level agencies that administer, or are financed in whole or in part with, WIOA Title I funds; (2) State Workforce Agencies; (3) State and Local Workforce Development Boards; (4) LWDA grant recipients; (5) One-stop operators; (6) Service providers, including eligible training providers; (7) On-the-Job Training (OJT) employers; (8) Job Corps contractors and center operators; (9) Job Corps national training contractors; (10) Outreach and admissions agencies, including Job Corps contractors that perform these functions; (11) Placement agencies, including Job Corps contractors that perform these functions; (12) Other National Program recipients.
Registrant	Registrant means the same as "applicant".
Respondent	Respondent means a grant applicant or recipient (including a Governor) against which a complaint has been filed under the nondiscrimination and equal opportunity provisions of WIOA.
State provider	Service provider means: (1) Any operator of, or provider of aid, benefits, services, or training to: (i) Any program or activity that receives WIOA Title I financial assistance from or through any State or LWDA grant recipient; or (ii) Any participant through that participant's Individual Training Account (ITA); or (2) Any entity that is selected and/or certified as an eligible provider of training services to participants.

State Programs	State Programs means programs financially assisted in whole or in part under Title I of WIOA in which either: (1) The Governor and/or State receives and disburses the grant to or through LWDA grant recipients; or (2) The Governor retains the grant funds and operates the programs, either directly or through a State agency. (3) "State Programs" also includes State Workforce Agencies, State Employment Service agencies, and/or State unemployment compensation agencies.
Vital Information	Vital information means information, whether written, oral or electronic, that is necessary for an individual to understand how to obtain any aid, benefit, service, and/or training; necessary for an individual to obtain any aid, benefit, service, and/or training; or required by law. Examples of documents containing vital information include, but are not limited to applications, consent and complaint forms; notices of rights and responsibilities; notices advising LEP individuals of their rights under this part, including the availability of free language assistance; rulebooks; written tests that do not assess English language competency, but rather assess competency for a particular license, job, or skill for which English proficiency is not required; and letters or notices that require a response from the beneficiary or applicant, participant, or employee.
WIOA Title I-financially assisted program or activity	WIOA Title I-financially assisted program or activity means: (1) A program or activity, operated by a recipient and financially assisted, in whole or in part, under Title I of WIOA that provides either: (i) Any aid, benefit, service, or training to individuals; or (ii) Facilities for furnishing any aid, benefits, services, or training to individuals; (2) Aid, benefit, service, or training provided in facilities that are being or were constructed with the aid of Federal financial assistance under WIOA Title I; or (3) Aid, benefit, service, or training provided with the aid of any non-WIOA Title I financial assistance, property, or other resources that are required to be expended or made available in order for the program to meet matching requirements or other conditions which must be met in order to receive the WIOA Title I financial assistance.

MISSOURI DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT

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